

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**OLLIE GREENE, et al.,**

**Plaintiffs,**

**v.**

**TOYOTA MOTOR CORPORATION, et al.,**

**Defendants.**

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**Civil Action No. 3:11-CV-207-N**

**ORDER**

Pursuant to the order of reference dated June 19, 2013, before the Court is *Plaintiffs' Third Motion to Compel Against Volvo Group North America*, filed August 9, 2013 (doc. 164).

Hearings were conducted concerning this motion on September 5, 2013, and October 31, 2013. All parties appeared in person and/or through counsel. After consideration of the relevant filings, evidence, oral argument, and applicable law, and for the reasons stated on the record during the October 31, 2013 hearing, the motion to compel is **GRANTED** in part and **DENIED** in part as follows:

1. The motion to compel responses to Plaintiffs' discovery requests concerning "Volvo's FUPS Information" (Interrogatories Nos. 1 and 2, and Requests for Production Nos. 3, 5, 9, 14, 15, 16, 17, 18, 19, and 40) is denied.

2. The motion to compel responses to Plaintiffs' discovery requests concerning "Complete CAD, FE and/or IGS Files and Complete Database for the Volvo Truck (Requests for Production Nos. 1, 2, 6, and 7) is denied as to the complete database, and as to any information or documents concerning areas beyond "the permissible scope of discovery" set forth in the order dated July 18, 2012 (doc. 111). The motion is granted to the extent it seeks information or documents within that scope of discovery that have not yet been produced. Any responsive information or documents that

have not yet been produced must be served on Plaintiffs' counsel within 14 days of the date of this order.

3. The motion to compel responses to Plaintiffs' discovery requests concerning the "Other Supplemental Energy Absorbing Device Modeled by Volvo" (Interrogatories Nos. 3 and 4, and Requests for Production Nos. 4, 5, 9, 12, 13, 15, 16, 18, and 40) is denied.

4. The motion to compel responses to Plaintiffs' discovery requests concerning "All Research Regarding Truck Compatibility and Energy Absorbing Devices" (Requests for Production Nos. 9, 12, 13, 15, 16, 17, and 37) is denied.

5. The motion to compel responses to Plaintiffs' discovery requests concerning "Materials' Properties Information for the Volvo Truck's Front End Components" (Request for Production No. 10) is denied to the extent that it seeks information or documents concerning areas outside "the permissible scope of discovery" set forth in the order dated July 18, 2012 (doc. 111). The motion is granted to the extent that it seeks information or documents within that scope of discovery that have not yet been produced. Any responsive information or documents that have not yet been produced must be served on Plaintiffs' counsel within 14 days of the date of this order.

6. The motion to compel responses to Plaintiffs' discovery requests concerning "Volvo's Enhanced Cruise System" (Requests for Production Nos. 29, 30, and 31) is denied.

7. The motion to compel the defendant to produce a Volvo and/or VGNA representative for a second deposition concerning the information sought in the motion is denied.

8. All relief not specifically awarded is **DENIED**.

**SO ORDERED** on this 31st day of October, 2013.

  
IRMA CARRILLO RAMIREZ  
UNITED STATES MAGISTRATE JUDGE